IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 379 OF 2006

Bhagwan N. Pawar and Anr. .... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. R.S. Datar for the petitioner.
Mr. P.P. Kakade, Assistant Government Pleader, for the respondent No.1.
Mr. G. Gavnekar for respondent Nos.2 and 3.

CORAM: **V.G. PALSHIKAR, Ag. C.J., & SMT. NISHITA MHATRE, J.**

DATE: **FEBRUARY 20, 2006**.

P.C.

By this petition, the petitioners have made, amongst other prayers, a prayer for direction to decide the application regarding application dated 24th March, 2005, in stipulated period of time.

2. In reply to the notice, it is pointed out that the enquiry as contemplated by Section 39 of the Bombay Village Panchayats Act, 1958 (hereinafter “the Act”), was conducted by Deputy Chief Executive Officer. The learned Counsel appearing on behalf of the respondents fairly pointed out the judgment of this Court which specifically holds that

the enquiry contemplated under Section 39 of the Act has to be conducted by the Chief Executive Officer and none else. Consequently, the enquiry will have to be held afresh by the Chief Executive Officer. We, therefore, direct the Chief Executive Officer to hear and decide the petitioners application dated 24th March, 2005, filed under Section 39 of the Act and submit his report as contemplated by the Act as early as possible, preferably in two months. Petition is accordingly disposed of.